

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WACKER NEUSON PRODUCTION
AMERICAS, LLC,

Plaintiff,

v.

CITY OF NORTON SHORES,

Defendant.

Case No. 1:19-cv-18

HON. JANET T. NEFF

ORDER TO SHOW CAUSE

On April 17, 2019, the parties filed their joint status report (ECF No. 7), in preparation for the April 24, 2019 Rule 16 scheduling conference. In the report, the parties recommended that the case be submitted to facilitative mediation. Following the conference, the Court issued a case management order setting forth numerous dates and deadlines, including a November 29, 2019 deadline for the parties to engage in voluntary facilitative mediation VFM (ECF No. 9). On October 11, 2019, an order was issued extending the discovery deadline to December 31, 2019 and advising the parties that no other deadlines were changed by the order (ECF No. 42). Recently, the Court confirmed with the Mediator that the parties have failed to engage in VFM. In addition, the parties have not made any additional requests to extend the deadline. Under these circumstances, the Court will require the parties to show cause in writing, through a joint submission, why they failed to conduct VFM as ordered, and what, if any, arrangements have been made to ensure VFM is conducted in a timely manner, including a proposed deadline to do so. Accordingly:

IT IS HEREBY ORDERED that the parties shall, **not later than December 26, 2019**, show cause in writing, through a joint submission, why they failed to conduct VFM as ordered,

and what, if any, arrangements have been made to ensure VFM is conducted in a timely manner, including a proposed deadline to do so.

IT IS FURTHER ORDERED that the parties are placed on notice that failure to comply with the specific directives and orders of this Court, including this Order, in their entirety may result in sanctions, including dismissal of this action with prejudice.

Dated: December 18, 2019

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge